



PATENT Customer No. 22,852 Attorney Docket No. 06882.0090-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

n re Application of:)
Gary T. Neel et al.) Group Art Unit: 1743
Application No.: 10/706,663)) Examiner: Maureen Wallenhorst
Filed: November 12, 2003) Confirmation No.: 9299
For: SYSTEMS AND METHODS FOR)) Allowed: April 19, 2005

Mail Stop Issue Fee

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

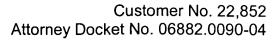
REQUEST FOR CORRECTION OF NOTICE OF ALLOWANCE

Applicants respectfully request that the Notice of Allowance in the aboveidentified application be corrected as follows:

Please correct the title to read as follows: SYSTEMS AND METHODS FOR BLOOD GLUCOSE SENSING.

Please correct the Small Entity status to read: No

Please correct the Issue Fee to read: \$1,400.00





Dated: May 16, 2005

Please grant any extensions of time required to enter this request and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

By: Eric P. Raciti

Reg. No. 41,475



BEST AVAILABLE COPY

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

NOTICE OF ALLOWANCE AND FEE(S) DUE

.7590

04/19/2005

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP 1300 I Street NW Washington, DC 20005

EXA	MINER			
WALLENHORST, MAUREEN				
•	. <u> </u>			
ART UNIT	PAPER NUMBER			

APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO.

10/706,663

11/12/2003

Gary T. Neel

02-1134-F

06882.0090

DATE MAILED: 04/19/2005

0200

TLE OF INVENTION: REMOVABLE DATA STORAGE DEVICE FOR ANALYTE MEASURING METER-

Systems and Methods for Blood Glucose Sensing

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	07/19/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THESE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED. SEE 35 U.S.C. 151. THE ISSUE FEE OF TOLICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

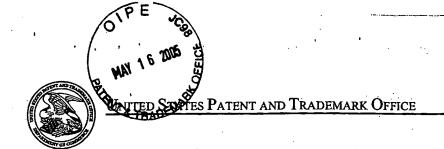
II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,663		11/12/2003	Gary T. Neel	02-1134-F	9299
	7590	04/19/2005	(EXAM	INER
Finnegan, Hen	derson, l	Farabow,		WALLENHORS	T, MAUREEN
Garrett & Dunn 1300 I Street NV				ART UNIT	PAPER NUMBER
Washington, DO	20005			1743	
			· · · · · · · · · · · · · · · · · · ·	DATE MAII ED: 04/19/2004	ς.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Docketed 4-Y1-05 Attorney Blm-Elf-J2m_CAT

Case 10863 - 40-04

Due Date 7-14-05 of cally

Action 1516 + Pabl Cae Nh

By By

Page 3 of 3

PART B - FEE(S) TRANSMITTAL

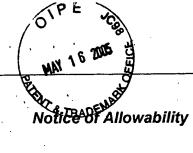
Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450 (703) 746-4000

or <u>Fax</u>

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

	LLP	MAY 16 7005 TO THE TOTAL THE	papers. Each addition have its own certifica Ce	nal paper, such as an assignment of mailing or transmission. Preficate of Mailing or Transmital is being the second transmitation to the second transmitation transmitation transmitation to the second transmitation tra	
10/706,663	11/12/2003	Ganz	T. Neel	02-1134-F	9299
TITLE OF INVENTION: R Syste	EMOVABLE DATA STOR	ACE DEVICE FOR ANALYTHOODS for Bloc	TE MEASURING METER-	OKÉBZ. OCAD-C	
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	07/19/2005
EXAN	MINER	ART UNIT	CLASS-SUBCLASS] .	,
WALLENHOR	ST, MAUREEN	1743	436-095000		
CFR 1.363). Change of corresponded Address form PTO/SB/1 "Fee Address" indication of the PTO/SB/47; Rev 03-02 Number is required. 3. ASSIGNEE NAME ANI PLEASE NOTE: Unless recordation as set forth in (A) NAME OF ASSIGN	tion (or "Fee Address" Indicor more recent) attached. Us D RESIDENCE DATA TO Est an assignee is identified ben 37 CFR 3.11. Completion	Correspondence ation form the of a Customer E PRINTED ON THE PATENTED ON THE	pear on the patent. If an assig e for filing an assignment. ICE: (CITY and STATE OR CO	a member a a member a a member a f no name is a mee is identified below, the	
		ries (will not be printed on the		Corporation or other private g	roup entity Government
4a. The following fee(s) are Issue Fee	enclosed:	4b. Payment o	• • • • • • • • • • • • • • • • • • • •		•
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Advance Order - # or			rector is hereby authorized by ecount Number		r credit any overpayment, to
	(from status indicated above	e)	icant is no longer claiming SMA		
The Director of the USPTO NOTE: The Issue Fee and P	is requested to apply the Iss	ue Fee and Publication Fee (if a	any) or to re-apply any previous ne other than the applicant; a reg	sly paid issue fee to the applic	cation identified above.
Authorized Signature		·	Date		· .
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Alexandra, Virgina 22313-	-1430.		I to obtain or retain a benefit by ollection is estimated to take 12 upon the individual case. Any c mation Officer, U.S. Patent and D FORMS TO THIS ADDRES		
			ollection of information unless it		



Application No.	Applicant(s)	
10/706,663	NEEL ET AL	
Examiner	Art Unit	
Maureen M. Wallenhorst	1743	\ .

	Maureen M. Wallenhorst	1743	
The MAILING DATE of this communication appeal claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIOF the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this app or other appropriate communication IGHTS. This application is subject to	olication. If not include will be mailed in due	ed . course. THIS
1. \boxtimes This communication is responsive to <u>the amendment recei</u>	ved on March 17, 2005.		
2. X The allowed claim(s) is/are 42-43, 58-59, 44-50, 60 (renum	nbered 1-12).		
3. A The drawings filed on 12 November 2003 are accepted by	the Examiner.		
4. ☐ Acknowledgment is made of a claim for foreign priority ur a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have 2. ☐ Certified copies of the priority documents have 3. ☐ Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONN THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	e been received. e been received in Application No cuments have been received in this of this communication to file a reply		
5. A SUBSTITUTE OATH OR DECLARATION must be subminformal PATENT APPLICATION (PTO-152) which give			IOTICE OF
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must (a) ☐ including changes required by the Notice of Draftspers 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner' Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1 each sheet, Replacement sheet(s) should be labeled as such in the sheet in the sheet in the sheet is should be labeled as such in the sheet in the sheet in the sheet is should be labeled as such in the sheet is sheet in the sheet in the sheet is sheet in the sheet is sheet in the s	son's Patent Drawing Review (PTO- s Amendment / Comment or in the C .84(c)) should be written on the drawli	Office action of	e back) of
DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MATERIAL r	nust be submitted.	Note the
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/0	5. ☐ Notice of Informal F 6. ☑ Interview Summary Paper No./Mail Da 7. ☑ Examiner's Amendi	(PTO-413), te	O-152)
Paper No./Mail Date 3/30/05 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. ⊠ Examiner's Stateme 9. □ Other	ent of Reasons for Allo	owance

Application/Control Number: 10/706,663

Art Unit: 1743

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric Raciti on April 6, 2005.

On line 3 of claim 46, the word "said" was deleted.

On line 6 of claim 58, the phrase "the calculated analyte concentration value" was changed to –a calculated analyte concentration value—. On line 7 of claim 58, the designation "YN" was changed to –Y'—, and the phrase "the temperature-corrected analyte concentration value" was changed to –a temperature-corrected analyte concentration value—.

On line 5 of claim 59, the phrase "the calculated analyte concentration value" was changed to –a calculated analyte concentration value—. On line 6 of claim 59, the designation "YN" was changed to –Y'—, and the phrase "the temperature-corrected analyte concentration value" was changed to –a temperature-corrected analyte concentration value—.

Lines 3-5 of claim 60 were deleted and replaced by the following phrase: --calculate a value X, wherein the value X is provided by taking a predetermined number of current measurements $(m_1...m_M)$, averaging every n current measurement to provide a plurality of data points $(d_1...d_N)$, and then averaging together the data points--.

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2. The following is an examiner's statement of reasons for allowance: Application serial no. 10/706,663 is being allowed since none of the prior art of record teaches or fairly suggests a removable data storage device for use with a meter having a microprocessor and a meter memory containing machine language instructions therein, wherein the meter receives both the removable data storage device and test strips at different locations on the meter and wherein the removable data storage device comprises a carrier having a circuit board thereon, both a ground electrical contact and at least one voltage supply electrical contact on the circuit board, and a nonvolatile memory device storing data for use by the meter, whereby when the removable data storage device is connected to the meter at a location different from where test strips are connected, the ground contact becomes electrically connected to the meter before the at least one voltage supply contact so that the data from the storage device is uploaded from the nonvolatile memory into the meter memory for subsequent use by the machine language instructions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/706,663

Art Unit: 1743

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-

1266. The examiner can normally be reached on Monday-Wednesday from 6:30 AM to 4:00

PM.

3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jill Warden, can be reached on 571-272-1267. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst **Primary Examiner**

Art Unit 1743

mmw

April 6, 2005

MAUREEN M. WALLENHORST PRIMARY EXAMINER GROUP ## (700 Page 4

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	Application No.	Applicant(s)
Examiner-Initiated Interview Summary	10/706,663	NEEL ET AL
Examiner-initiated interviews unfillarly	Examiner	Art Unit
हैं बाल	Maureen M. Wallenhorst	1743
All Participants:	Status of Application: _	
(1) Maureen M. Wallenhorst.	(3)	
(2) Eric Raciti (Appl. Rep.).	(4)	
Date of Interview: <u>6 April 2005</u>	Time:	
Exhibit Shown or Demonstrated: Yes No	plicant's representative)	
If Yes, provide a brief description:		
Part I.		
Rejection(s) discussed: none		
Claims discussed:		
46, 58-60	•	
Prior art documents discussed:	•	
none		
Part II.		•
SUBSTANCE OF INTERVIEW DESCRIBING THE GE Minor changes in the claims were agreed upon in order to pa allowance. See Examiner's Amendment		
Part III.		·
 It is not necessary for applicant to provide a separadirectly resulted in the allowance of the application of the interview in the Notice of Allowability. It is not necessary for applicant to provide a separadid not result in resolution of all issues. A brief sum 	The examiner will provide a wrate record of the substance of the	itten summary of the substance ne interview, since the interview
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(Examiner/SPE Signature) (Applie	cant/Applicant's Representative	Signature – if appropriate)

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IDS Form PTO/SB/08: Substitute from 1449A/PTO Complete if Known 10/706,663 Application Number November 12, 2003 INFORMATION DISCLOSURE Filing Date First Named Inventor Gary T. NEEL STATEMENT BY APPLICANT 1743 Art Unit Maureen Wallenhorst (Use as many sheets as necessary) Examiner Name Attorney Docket Number 06882.0090-04000 Sheet

	Cite	Document Number	Issue or	Name of Patentee or	Pages, Columns, Lines, Where
Initials	No.1	Number-Kind Code ² (# known)	Publication Date MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear
Mi		US-5,264,106	11/1993	McAleer et al.	
1		US-5,728,074	03/1998	Castellano et al.	
		US-6,436,256 B1	08/2002	Williams et al.	
	•	US-6471,839 B1	10/2002	Yamamoto et al.	
- -		US-6491,803 B1	12/2002	Shen et al.	
		US-6,565,738 B1	05/2003	Henning et al.	
		US-6,733,655 B1	05/2004	Davies et al.	
V		US-6,773,671	08/2004	Lewis et al.	
MW		2003/0036202 A1	02/2003	Teodorcyzk et al.	
-			 		•

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

		FORE	GN PATENT I	DOCUMENTS		
Examiner Initials	Cite No.1	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁶ (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
					·	

		NON PATENT LITERATURE DOCUMENTS			
Examiner Initials					
			•		

Examiner Signature	anien Wal	leshorst	Date Considered	4-6-05	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.